



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA FEDERAL EXPRESS

March 13, 2008

Earl Mfg. Co., Inc.
c/o Claudette A. Earl
FOIA ex 6, [REDACTED]
Personal Privacy [REDACTED]

Re: EPA's CERCLA Follow-Up to Request for Information in General Notice Letter Dated
December 18, 2007

Dear Ms. Earl:

On December 18, 2007, the United States Environmental Protection Agency ("EPA") issued Earl Mfg. Co., Inc. a notice of its potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). The notice included an information request made pursuant to Section 104(e) of CERCLA (42 U.S.C. Section 9604(e)). According to EPA's records, you received the information request on December 19, 2007, and your response to this request was due on January 18, 2008.

As of the date of this letter, EPA has not received any response to the information request (found on page 4 of the notice letter). Accordingly, EPA again requests that you comply with the information request enclosed with this letter. Continued failure to comply with EPA's information request, or to adequately justify such failure to respond, may subject you to an enforcement action seeking to compel compliance and collect penalties of up to \$32,500 per day of noncompliance pursuant to Section 104(e)(5) of CERCLA (42 U.S.C. Section 9604(e)(5)). By enclosing a copy of the initial information request herewith, EPA is not intending to waive its right to seek penalties for your failure to timely respond to that initial request. However, your cooperation in responding to this subsequent letter would be greatly appreciated.

Please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909 if you have any legal questions regarding this matter, or Linda Ketellapper, Enforcement Officer, at (415) 972-3104 if you have any other questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, reading "Thanne Cox", is positioned below the word "Sincerely,".

Thanne Cox, Chief
Case Development Cost Recovery Section
Superfund Division

cc: Steve Berninger, EPA ORC
Linda Ketellapper, EPA

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 18, 2007

Claudette A. Earl
Earl Mfg. Co., Inc.
FOIA ex 6,
Personal Privacy

RE: General Notice Letter
Omega Chemical Corporation Superfund Site

Dear Ms. Earl:

The purpose of this letter is to provide you notice of Earl Mfg. Co., Inc.'s potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, at the Omega Chemical Corporation Superfund Site (the "Site"), in Whittier, California. The Site includes the location of a former refrigerant/solvent recycling operation ("Omega Chemical") located at 12504 and 12512 Whittier Blvd. in Whittier, California, but the term "Site" (as used here) refers to both the former Omega Chemical property and the areal extent (i.e., plume) of contaminated groundwater emanating from the Omega Chemical property.

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and control releases or potential releases of hazardous substances, pollutants or contaminants at the Site. Under Sections 106(a) and 107(a) of CERCLA, commonly known as Superfund, Potentially Responsible Parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for all costs incurred by EPA in responding to any release or threatened release at the Site. PRPs include current and former owners and operators of facilities at which hazardous substances were released into the environment, persons who arranged for the disposal of hazardous substances at a facility ("generators"), and persons who accepted hazardous substances for transport to a facility ("transporters").

EPA has evaluated information obtained through its investigation of the Site and has determined that the facility at 11862 Burke Street, Santa Fe Springs, California is located above the contaminated groundwater plume that originates at and extends approximately three miles downgradient of the Omega Chemical property. The Agency believes that the facility located at 11862 Burke Street, Santa Fe Springs, California is a source of hazardous substances which have come to be located in this groundwater plume and commingled with hazardous substances originating from the Omega Chemical property. As such, Earl Mfg. Co., Inc. is a PRP at the Site based on its status as a former operator of the facility located at 11862 Burke Street, Santa Fe Springs, California.

Omega Site Background

During a Site Assessment in 1995, EPA observed in excess of 3,000 drums at the Site in various stages of deterioration. Data gathered in 1988 and 1995 also indicated the presence of hazardous substances including but not limited to methylene chloride, tetrachloroethylene, trichloroethylene, and Freon 11 and 113, in the subsurface soils and groundwater at the Site. On May 3, 1995, EPA issued an Action Memorandum authorizing actions necessary to abate imminent and substantial endangerment at the Site, including securing the Omega Chemical property, conducting sampling, removing grossly contaminated equipment, structures, and debris, removing containerized wastes and disposing, stabilizing or treating grossly contaminated soils.

On May 9, 1995 and August 31, 1995, EPA issued Unilateral Administrative Orders (“UAOs”) to approximately 170 major generator PRPs, all of whom sent greater than 10 tons of hazardous materials to the Site, to perform removal activities at the Site. These major contributing parties thereafter formed a workgroup called the Omega Chemical Site PRP Organized Group, or “OPOG”, and completed removal activities as required. In September 1998, EPA proposed the Site for listing on the National Priorities List (“NPL”). The Site was placed on the NPL on January 19, 1999.

Currently, the 109 members of OPOG (the “Settling Defendants”) are performing work under a Partial Consent Decree which was entered by the District Court on February 28, 2001. Under this agreement, the Settling Defendants agreed to pay a portion of past costs and perform the following work at the Site:

- 1) implementation of a Remedial Investigation / Feasibility Study (“RI/FS”) for contamination in the vadose zone within the “Phase 1A area” (as described in the Partial Consent Decree) of the Site;
- 2) performance of an Engineering Evaluation and Cost Analysis (“EE/CA”) addressing groundwater contamination in the Phase 1A area;
- 3) implementation of the response action selected in EPA’s Action Memorandum at the conclusion of the EE/CA;
- 4) performance of a risk assessment addressing contamination within the Phase 1A area; and
- 5) installation of up to three groundwater monitoring wells at locations downgradient of the Phase 1A area and upgradient of the City of Santa Fe Springs water supply well 30R3.

In addition, EPA has been conducting an EPA Fund-lead groundwater RI downgradient of the Phase 1A area. A Fund-lead FS for a Site-wide groundwater remedy will follow the Fund-lead groundwater RI, and it will take into account the PRP-lead groundwater response action in

Earl Mfg. Co., Inc.

the Phase 1A area. At the conclusion of the FS, a Site-wide groundwater remedy will be proposed and, after public comment, selected by EPA.

In August 2002, EPA issued General Notice Letters to approximately 100 additional major generator PRPs, all of whom sent 10 tons or greater of hazardous materials to the Site. EPA has encouraged these PRPs to initiate dialogue with OPOG concerning joining the established workgroup. EPA will amend the existing Partial Consent Decree to include any parties which join the established group.

Prior to signing the Partial Consent Decree, several OPOG members withdrew from the group and elected not to sign the settlement. They formed a new group that later became known as the Omega Small Volume Organized Group or "OSVOG." On January 5, 2004, EPA issued a UAO to fifteen OSVOG members and three other recalcitrant parties. An Amended UAO was issued on July 2, 2004. The work required under the Amended UAO included the installation of groundwater wells and sampling downgradient from the former Omega Chemical property.

On October 28, 2003, EPA noticed approximately 300 *de minimis* parties at the Omega Site, each of which contributed 3 to 9.9 tons of hazardous materials to the Site. Approximately 170 *de minimis* parties accepted EPA's settlement offer. The Administrative Order on Consent to resolve these parties' potential liability at the Site was finalized on December 12, 2005.

General Notice

EPA is not extending a settlement offer or issuing an order for the performance of work to you at this time. The Agency anticipates issuing a Record of Decision to select a groundwater cleanup remedy within the next two to three years. At that point, EPA will initiate settlement discussions with you and all other PRPs at the Site for the performance of the Remedial Design/Remedial Action ("RD/RA") for the groundwater remedy.

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. You may contact EPA to obtain the most current list of PRPs that have been sent General Notice letters for this Site. In addition, OPOG's contact names and numbers are:

Keith F. Millhouse, Esq.
(805) 230-2280

Larry G. Gutteridge, Esq.
(213) 628-7131

Enclosed are three Fact Sheets about the Site. In addition, copies of site-related documents are located at EPA's Regional Office in San Francisco and at the information repository listed below:

Earl Mfg. Co., Inc.

Superfund Records Center
95 Hawthorne Street (4th Floor)
San Francisco, CA 94105
Ph: (415) 536-2000

Whittier Public Library
7344 S. Washington Avenue
Whittier, CA 90602
Ph: (562) 464-3450

Further information about the Site can be found on the following EPA web page:

<http://www.epa.gov/region09/omegachemical>

Also enclosed is an information sheet intended to inform small businesses of their rights under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to comment to an Ombudsman about EPA enforcement activity. This information sheet also provides information on compliance assistance available to small businesses. We have included this information sheet without making a determination as to whether your business is a small business as defined by Section 222 of SBREFA or related provisions.

Please use the enclosed Primary Contact Designation Form to designate the most appropriate individual to receive all further correspondence on this matter on your behalf. We request that you mail us the completed form within thirty (30) days of your receipt of this letter.

We will continue to send future correspondence to you until we receive this form. The completed Primary Contact Designation Form should be mailed to:

Linda Ketellapper, SFD-7-5
U.S. Environmental Protection Agency
Superfund Division
75 Hawthorne Street
San Francisco, CA 94105

This notice letter does not affect or nullify any other legal obligations you may have regarding your facility. If you are engaged in clean-up or other activities under the direction of federal, state or local authorities, you should continue such activities as appropriate. Likewise, this notice letter has no effect on any obligations which you may have in a court of law.

Although this letter does not affect these other obligations, EPA hereby requests, by its authority under CERCLA Section 104(e), that you provide a written response reporting the status of all of those activities and obligations. The response should include a copy of all agreements and/or orders between you and other parties related to your facility and on-going activities and obligations. Your response should be made in writing and submitted to EPA within thirty (30) days of receipt of this letter. **It should be directed to Linda Ketellapper, the EPA Case Developer, at the address provided above.**

Earl Mfg. Co., Inc.

If you have general questions regarding the Site, please contact Linda Ketellapper at (415) 972-3104. If you have any technical questions regarding the Site, please contact Chris Lichens, the Remedial Project Manager, at (415) 972-3149. If you have any legal questions, you may contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909.

Sincerely,



Kathleen Salyer
Chief, Site Cleanup Branch

cc: Karl Fingerhood, DOJ EES
Steve Berninger, EPA ORC
Linda Ketellapper, EPA
Christopher Lichens, EPA
Fred Schauffler, EPA
Sara Amir, DTSC
David Bacharowski, RWQCB
Larry Gutteridge, OPOG
Keith Millhouse, OPOG

Enclosures:

- U.S. EPA Fact Sheet: "Omega Chemical Superfund Site Update", September 2003
- U.S. EPA Fact Sheet: "Proposed Plan for Interim Groundwater Action", August 2005
- U.S. EPA Fact Sheet: "EPA Evaluates Indoor Air at Omega Chemical Site", November 2004
- Information Sheet, U.S. EPA Small Business Resources
- Primary Contact Designation Form. Please complete and return this form **within 30 days** of your receipt of this letter.